



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Amendment of Municipal Code §2.04.100, Establishing the Order of Business at City Council Meetings (Agenda Order)

MEETING DATE: June 1, 1994

PREPARED BY: City Attorney

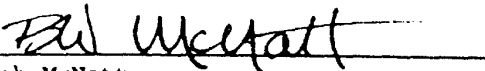
RECOMMENDED ACTION: Council consideration and possible introduction of Ordinance No. 1594 repealing and reenacting LMC §2.04.100.

BACKGROUND INFORMATION: At the Council meeting of May 18, 1994, staff was directed to place on this agenda for discussion and possible action an ordinance amending the order of business for City Council meeting agendas. The purpose is to give priority to those matters previously placed on an agenda, and to move those matters not previously agendized to the later part of the meeting.

The draft ordinance attached makes no substantive changes in meeting agendas. It simply moves "comments by the public on non-agenda items", "comments by the Council on non-agenda items", and the "consent calendar" to a place behind those matters which have been previously scheduled on the agenda. The intent of this amendment is to give the public a greater opportunity to speak on those matters which have been previously scheduled rather than making citizens wait until later in the evening, after unscheduled matters have been discussed.

FUNDING: Not applicable.

Respectfully submitted,

  
Bob McNatt  
City Attorney

BM:pn

CCORD15.94/TXTA.01V

APPROVED \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



recycled paper

ORDINANCE NO. 1594

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI  
REPEALING IN ITS ENTIRETY MUNICIPAL CODE §2.04.100 (ORDINANCE  
1566 § 1 (PART), 1993) AND REENACTING THIS SECTION AS FOLLOWS:

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 2.04 - City Council Meetings -  
is hereby repealed and reenacted in its entirety to read as follows:

Chapter 2.04

CITY COUNCIL MEETINGS

Sections:

- 2.04.010 REGULAR MEETINGS--DAY AND TIME.
- 2.04.020 INFORMAL INFORMATIONAL MEETINGS.
- 2.04.030 MEETING PLACE.
- 2.04.040 MEETINGS TO BE PUBLIC.
- 2.04.050 SPECIAL MEETINGS.
- 2.04.060 QUORUM.
- 2.04.070 PRESIDING OFFICER--MAYOR--MAYOR PRO TEMPORE
- 2.04.080 CALL TO ORDER--TEMPORARY CHAIRMAN.
- 2.04.090 ROLL CALL.
- 2.04.100 ORDER OF BUSINESS--ASSEMBLY OF OFFICERS.
- 2.04.110 READING AND APPROVAL OF MINUTES.
- 2.04.120 RULES OF DEBATE.
- 2.04.130 ADDRESSING THE COUNCIL.
- 2.04.140 VOTING.
- 2.04.150 DECORUM.
- 2.04.160 PERSONS ALLOWED WITHIN RAIL.
- 2.04.170 ENTRY OF DISSENT IN MINUTES.
- 2.04.180 PREPARATION OF AGENDAS.
- 2.04.190 CLOSED SESSIONS--CONFIDENTIALITY.

2.04.010      REGULAR MEETINGS--DAY AND TIME.

Regular meetings of the City Council shall be held on the first and third Wednesday of each month at seven p.m. In case the meeting day falls upon a legal holiday, then the regular meeting which otherwise would have occurred on that day shall be held on the first business day thereafter at the hour of seven p.m. In case the regular meeting falls on Christmas Eve or New Year's Eve, then the regular meeting which otherwise would have occurred on that day shall be held on the first business day thereafter at the hour of seven p.m.

2.04.020      INFORMAL INFORMATIONAL MEETINGS.

Informal informational meetings of the City Council shall be held on each Tuesday morning of each month at the hour of seven a.m. in the Council Chambers of the City or at such location and at such time as the Council may deem appropriate, subject to notice requirements as provided by law. No formal action shall be taken by the City Council at such meetings. The City Manager, City Attorney, Department Heads and members of the public, as the Council may request, shall be present and present such information as may be deemed desirable.

2.04.030      MEETING PLACE.

All regular meetings of the Council shall be held in the Council Chambers, Carnegie Forum building, Lodi, California, or at such other place as the Council may deem appropriate, subject to notice requirements as provided by law. If by reason of fire, flood, earthquake or other emergency, it is unsafe to meet in the place so designated, the meetings may be held for the duration of the emergency at such place as is designated by the Mayor.

2.04.040 MEETINGS TO BE PUBLIC.

All meetings of the Council shall be open to the public.

2.04.050 SPECIAL MEETINGS.

At any time the Mayor or three City Council members may call a special meeting by delivering written notice to each member and to each local newspaper of general circulation, radio or television station requesting notice in writing, such notice to be delivered personally or by mail at least twenty-four hours before the time of such meeting. Written notice may be dispensed with if a representative of the newspaper, radio or television station is present at the meeting and if all Council members give their written consent to the meeting and the consent is filed in the City Clerk's office when the meeting is held. A Council member may give such consent by telegram.

2.04.060 QUORUM.

A majority of all members elected to the Council shall constitute a quorum at any regular or special meeting of the Council. Unless otherwise required by law, a simple majority of the members present may take action or adopt ordinances or resolutions.

2.04.070 PRESIDING OFFICER--MAYOR--MAYOR PRO TEMPORE.

The presiding officer of the Council shall be the Mayor who shall be elected by the Council annually at the first regular meeting after the canvass of votes done in conjunction with the statewide general election in even-numbered years. In years where there is no general statewide election, the Mayor shall be elected at the first regular meeting in November. At the time of the election of the Mayor, one of the members of the Council shall be chosen as Mayor Pro Tempore. If the Mayor is absent or unable to act, the Mayor Pro Tempore shall serve until the Mayor returns or is able to act. The Mayor shall preserve

strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, call for the vote, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall sign all ordinances adopted by the Council during his presence. In the event of the absence of the Mayor, the Mayor Pro Tempore shall sign ordinances as then adopted.

2.04.080 CALL TO ORDER--TEMPORARY CHAIRMAN.

The Mayor, or in his/her absence the Mayor Pro Tempore, shall take the chair at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or Mayor Pro Tempore, the City Clerk, or the acting City Clerk shall call the Council to order whereupon a temporary chairperson shall be elected by the members of the Council present. Upon the arrival of the Mayor or Mayor Pro Tempore, the temporary chairperson shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

2.04.090 ROLL CALL.

Before proceeding with the business of the Council at regular, special, or informational sessions, the City Clerk or the acting City Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes.

2.04.100 ORDER OF BUSINESS--ASSEMBLY OF OFFICERS.

At the hour set by this chapter or other ordinance on the day of each regular meeting, the members of the Council, the City Clerk, City Manager and City Attorney shall take their regular stations in the

Council Chambers and the business of the Council shall be taken up for consideration and disposition in the following order, except that with the majority consent of the Council, matters may be taken out of order and that the order of business set forth in this section may be changed from time to time by the adoption of an ordinance by the City Council:

- A. Roll call;
- B. Invocation;
- C. Pledge of allegiance;
- D. Presentations:
  - 1. Awards;
  - 2. Proclamations;
- E. Public hearings;
- F. Communications;
  - 1. Claims filed against the City of Lodi;
  - 2. Alcoholic Beverage Control License applications;
  - 3. Reports: Boards/Commissions/Task Forces/Committees;
  - 4. Appointments;
- G. Regular calendar;
- H. Ordinances;
- I. Consent calendar [Reading; comments by the public; council action];
- J. Comments by the public on non-agenda items;
- K. Comments by city council members on non-agenda items;
- L. Closed session;
- M. Adjournment.

2.04.110 READING AND APPROVAL OF MINUTES.

Unless the reading of the minutes of a Council meeting is requested by a majority of the Council, such minutes may be approved without reading if the City Clerk has previously furnished each member

with a copy thereof. Any Council member can correct an error in the minutes, subject to verification by the Clerk.

2.04.120      RULES OF DEBATE.

The Council shall, by resolution, adopt rules of conduct and debate applicable to all City Council meetings.

2.04.130      ADDRESSING THE COUNCIL.

A. Any interested person may, subject to the rules of procedure adopted hereunder, speak on any item coming before the Council. It shall not be required that persons wishing to speak give prior written notice, but priority shall be given to those who have so notified the City Clerk in advance.

B. After a motion is made and seconded, no person shall address the City Council without first securing permission of the Council to do so.

C. Remarks by the public shall be made only from the podium. Speakers shall first give their names and addresses for the record, and no one shall be permitted to enter into any discussion without permission of the presiding officer.

2.04.140      VOTING.

All members of the Council, when present, must vote. If a member of the Council states that he is not voting, his silence shall be recorded as an affirmative vote unless, however, the Council member abstains from voting by reason of his/her interest in the matter before the Council and that reason is stated at the meeting.

2.04.150      DECORUM.

A.    Council Members.    While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise provided by this chapter. Any member who, after warning by the Chair, repeatedly violates these rules may be ejected for the remainder of the meeting by two-thirds vote of the Council.

B.    Other Persons.    Any person making personal, impertinent or slanderous remarks or who becomes boisterous during the Council meeting shall be forthwith, by the presiding officer, barred from further audience at the meeting before the Council, unless permission to continue is granted by a majority vote of the Council.

C.    Any violation of this section may be punished as an infraction pursuant to Section 1.08.010 of this Code.

2.04.160      PERSONS ALLOWED WITHIN RAIL.

No person, except City officials, their representatives and newsgathering or media personnel, shall be permitted within the rail in front of the Council Chamber during meetings, without the express consent of the Council.

2.04.170      ENTRY OF DISSENT IN MINUTES.

Any Council member shall have the right to have the reasons for his dissent from, or protest against, any action of the Council entered on the minutes.



2.04.180      PREPARATION OF AGENDAS.

A. Consistent with the provisions of the Ralph M. Brown Act (Government Code Section 54950 et seq.), the agenda for Council meetings shall be prepared by the City Manager, and distributed by the City Clerk.

B. Matters may be placed on the agenda for consideration by the City Council by request of:

1. Any member of the City Council.
2. The City Manager.
3. The City Clerk.
4. The City Attorney.

C. Any reasonable request by any person named in this section to place a matter on the agenda shall be honored, subject to the City Manager's discretion as to the preparation of accompanying staff reports.

2.04.190      CLOSED SESSIONS--CONFIDENTIALITY.

A. No officer, employee or agent of the City shall, without proper authorization, divulge confidential information received by such person as part of his or her official duties during any closed session of the City Council authorized under the Ralph M. Brown Act (Government Code Section 54950 et seq.) as it now exists or may later be modified.

B. Such confidential information may include but is not limited to matters involving pending litigation, property acquisition, labor negotiations, personnel matters or other information, the disclosure of which would reasonably be likely to prejudice the good faith conduct of City business, constitute an unwarranted invasion of privacy, or place the City at an unfair disadvantage in negotiations.

C. For purposes of this Section, "proper authorization" shall mean:

- (1) In matters of personal privacy, a waiver by the individual enjoying such right of privacy;
- (2) The order or subpoena of a court of competent jurisdiction;
- (3) Authorization by the City Council as a body;
- (4) Conclusion or finalization of the matter or subject involved, as determined by the City Council.

D. Nothing in this ordinance shall be deemed a waiver of any other confidential privilege for any information established elsewhere by statute or case law.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_ 1994

\_\_\_\_\_  
JACK A. SIEGLOCK  
Mayor

Attest:

JENNIFER M. PERRIN  
City Clerk

=====

State of California  
County of San Joaquin, ss.


I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1594 was introduced at a regular meeting of the City Council of the City of Lodi held June 1, 1994 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 1994 by the following vote:

Ayes:	Council Members -
Noes:	Council Members -
Absent:	Council Members -
Abstain:	Council Members -

I further certify that Ordinance No. 1594 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN  
City Clerk

Approved as to Form

  
BOBBY W. McNATT  
City Attorney

ORD1594/TXTA.01V

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B. Other Persons. Any person making personal, impertinent or slanderous remarks or who becomes boisterous during the Council meeting shall be forthwith, by the presiding officer, barred from further audience at the meeting before the Council, unless permission to continue is granted by a majority vote of the Council.

C. Any violation of this section may be punished as an infraction pursuant to Section 1.08.010 of this Code.

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PERSONS ALLOWED WITHIN RAIL.

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4. The City Attorney.

C. Any reasonable request by any person named in this section to place a matter on the agenda shall be honored, subject to the City Manager's discretion as to the preparation of accompanying staff reports.

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CLOSED SESSIONS--CONFIDENTIALITY.

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B. Such confidential information may include but is not limited to matters involving pending litigation, property acquisition, labor negotiations, personnel matters or other information, the disclosure of which would reasonably be likely to prejudice the good faith conduct of City business, constitute an unwarranted invasion of privacy, or place the City at an unfair disadvantage in negotiations.

C. For purposes of this Section, "proper authorization" shall mean:

- (1) In matters of personal privacy, a waiver by the individual enjoying such right of privacy;
- (2) The order or subpoena of a court of competent jurisdiction;
- (3) Authorization by the City Council as a body;
- (4) Conclusion or finalization of the matter or subject involved, as determined by the City Council.

D. Nothing in this ordinance shall be deemed a waiver of any other confidential privilege for any information established elsewhere by statute or case law.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_ 1994

\_\_\_\_\_  
JACK A. SIEGLOCK  
Mayor

Attest:

JENNIFER M. PERRIN  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1594 was introduced at a regular meeting of the City Council of the City of Lodi held June 1, 1994 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 1994 by the following vote:

Ayes:	Council Members -
Noes:	Council Members -
Absent:	Council Members -
Abstain:	Council Members -

I further certify that Ordinance No. 1594 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN  
City Clerk

Approved as to Form

BOBBY W. McNATT  
City Attorney

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